

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

BRENDA JOHNSON,

Plaintiff,

v.

CIVIL NO. 2:22cv193

NORFOLK STATE UNIVERSITY,

Defendant.

ORDER

This matter comes before the court on Defendant Norfolk State University's Motion for Sanctions and Brief in Support. ECF Nos. 35, 36. The matter was referred to a United States Magistrate Judge by Order of October 5, 2023, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the Motion. ECF No. 54.

The United States Magistrate Judge's Report and Recommendation was filed on December 12, 2023, recommending that the court grant Defendant's Motion for Sanctions, and

that the Court fix a schedule for Defendant to submit an itemized request for the reasonable attorney's fees NSU incurred in completing the briefing on its Motion for Summary Judgment, after providing its safe harbor notice. Plaintiff should thereafter be directed to file a brief within 14 days of Defendant's filing addressing

the reasonableness of the fees, or any other basis to avoid or determine the appropriate monetary sanction.


ECF No. 56 at 14.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. Id. at 15. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired. Accordingly, the court does hereby **ADOPT AND APPROVE IN FULL** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed December 12, 2023. The court **GRANTS** Defendant's Motion for Sanctions, ECF No. 35; **DIRECTS** Defendant to submit, within thirty (30) days of this Order, an itemized request for the reasonable attorney's fees NSU incurred in completing the briefing on its Motion for Summary Judgment, after providing its safe harbor notice; and **DIRECTS** Plaintiff to file a brief, within fourteen (14) days of Defendant's filing, addressing the reasonableness of the fees, or any other basis to avoid or determine the appropriate monetary sanction.¹

¹ Defendant's Motion for Sanctions also sought dismissal of the action with prejudice. ECF No. 36 at 8. However, that remedy is unnecessary because the court issued a Final Order granting Defendant's Motion for Summary Judgment and dismissing Plaintiff's Amended Complaint with prejudice. ECF No. 57.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

/s/ 
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

January 16, 2024